

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Rebecca A. Landon, <div style="text-align: right;">Plaintiff,</div> <div style="text-align: center;">v.</div> <div style="text-align: right;">Vanden of Beaufort, Inc. <i>et al.</i>,</div> <div style="text-align: right;">Defendants.</div> <hr style="width: 40%; margin-left: 0;"/>)))))))))))	Case No. 9:23-cv-1956-RMG <div style="text-align: center;">ORDER</div>
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This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge, recommending that the Court grant in part and deny in part the motion to dismiss of Defendant Vanden of Beaufort, Inc. (“Vanden”). (Dkt. No. 15). The parties were advised that they had 14 days to file written objections to the R & R, and, if they failed to do so, the District Court would make only a clear error review and the parties would waive their right to appeal the District Court’s decision. (*Id.* at 15). No party filed timely objections.

Plaintiff alleges in her amended complaint that Defendant Vanden, an automobile dealer, sold three vehicles to Defendant Samantha Nottingham (“Nottingham”) with \$260,000.00 in loans made in the name of Plaintiff without her knowledge or consent. Plaintiff alleges that Vanden financed these vehicles for Nottingham without requiring her to produce a physical driver’s license. Instead, Nottingham produced a paper copy of Plaintiff’s driver’s license in which Nottingham’s weight and height did not match details on the driver’s license and Nottingham’s address did not match Plaintiff’s driver’s license. Plaintiff asserts claims under the South Carolina Dealer’s Act, South Carolina Unfair Trade Practices Act, Invasion of Privacy, and Civil Conspiracy.

The Magistrate Judge carefully analyzed each claim and recommended that Venden's motion to dismiss Plaintiff's claims under the South Carolina Dealers Act and the South Carolina Unfair Trade Practices Act be denied. (Dkt. No. 15 at 7-14). The Magistrate Judge further recommended that Venden's motion to dismiss claims for invasion of privacy (both wrongful appropriation of personality and wrongful invasion into private affairs) and civil conspiracy be granted. (*Id.* at 14-20). As previously mentioned, no party filed timely objections to the R & R.

The Court has carefully reviewed the Amended Complaint, R & R, and relevant case law and finds that the Magistrate Judge has ably addressed Venden's motion to dismiss and correctly concluded that Venden's motion to dismiss should be denied as to Plaintiff's causes of action under the South Carolina Dealers Act and the South Carolina Unfair Trade Act and should be granted as to Plaintiff's causes of action under invasion of privacy and civil conspiracy. The Court adopts the R & R of the Magistrate Judge as the order of the Court and dismisses Plaintiff's claims for invasion of privacy and civil conspiracy. The motion to dismiss the balance of Plaintiff's Amended Complaint is denied.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

December 15, 2023
Charleston, South Carolina